

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 3:13-cr-102 |
| v. |) | |
| |) | Judge Mattice |
| JERIS COKER |) | |

ORDER

Before the Court are the Objections to the Report and Recommendation on the Defendant's Motion to Suppress (Court Doc. 26). In them, Defendant, Jeris Coker objects to certain findings of fact and conclusions of law as set forth in the Report and Recommendation (R&R) (Court Doc. 23), issued by Magistrate Judge C. Clifford Shirley, Jr. on January 25, 2014 in response to Mr. Coker's Motion to Suppress and Memorandum in Support (Doc. 13) filed on September 4, 2013. As noted, Mr. Coker timely objected to Magistrate Judge Shirley's R&R, and the United States timely responded (Court Doc. 30). For the reasons explained hereafter, Mr. Coker's Objections to Magistrate Judge Shirley's R&R (Court Doc. 26) will be **OVERRULED**, and Mr. Coker's Motion to Suppress (Court Doc. 13) will be **DENIED**.

I. STANDARD OF REVIEW

In pertinent part, 28 U.S.C. § 636(b)(1)(B) permits the District Court to "designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition" of any of the matters not specifically excluded in 28 U.S.C. § 636(b)(1)(A). Within 14 days

of its entry, any party may file written objections to the magistrate's report and recommendation. A party's objections to a report and recommendation must be specific, and "[a] general objection to the entirety of the magistrate's report has the same effects as would a failure to object." *Cline v. Myers*, 495 F. App'x 578, 580 (6th Cir. 2012).

Upon the filing of such objections, the District Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendation as to which objection is made." After conducting the requisite *de novo* review, the Court may either accept, reject, or modify the report and recommendation. 28 U.S.C. § 636(b)(1)(c).

II. REVIEW AND ANALYSIS

In his Objections to Magistrate Judge Shirley's R&R, Mr. Coker takes issue with a number of Magistrate Judge Shirley's factual findings (Court Doc. 26, pp. 10-14), but the principal thrust of all such objections is on asserted variances among Magistrate Judge Shirley's findings of fact, the testimony of Blount County Deputy Sheriff Reginald McCullough at the September 25, 2013 suppression hearing (Court Doc. 19, Transcript, pp. 45-102), and the video recording of the subject traffic stop, which was introduced into evidence as Exhibit #1.

The Court has reviewed *de novo* the entire record in the case, specifically including Magistrate Judge Shirley's very thorough and well-reasoned R&R, (Court Doc. 23), the entire transcript of the suppression hearing, and the entire video recording of the subject traffic stop (Exhibit 1). Based on that review, and contrary to Mr. Coker's assertions in his Objections, the Court can discern no material variances among Deputy McCullough's

testimony, the events depicted on the video recording of the subject traffic stop, and Magistrate Judge Shirley's Summary of the Evidence (Court Doc. 23, pp. 3-15) as set forth in the R&R, or the Findings of Fact (*Id.*, pp. 15-17) derived therefrom. Accordingly, Mr. Coker's Objections to Magistrate Judge Shirley's findings of fact are **OVERRULED**, and the Court hereby **ACCEPTS AND ADOPTS** in their entirety Magistrate Judge Shirley's Summary of the Evidence and his Findings of Fact derived therefrom.

Mr. Coker likewise objects to a good deal of Magistrate Judge Shirley's legal analysis and certain conclusions of law based on such analysis. (Court Doc. 26, Objections, pp. 14-47). As with his objections to Magistrate Judge Shirley's findings of fact, much of the focus of such objections is on Defendant's assertions of what is depicted on the video recording of the traffic stop.

The Court has reviewed *de novo* Magistrate Judge Shirley's Legal Analysis (Court Doc. 23, R&R, pp. 17-44), and finds it to be exceptionally thorough and well-reasoned. The Court finds such analysis to be a proper application of the applicable legal precedents to the facts of this case. Accordingly, Mr. Coker's Objections to Magistrate Judge Shirley's Legal Analysis, and his Conclusions of Law derived therefrom are **OVERRULED**. The Court **ACCEPTS AND ADOPTS** Magistrate Judge Shirley's Legal Analysis and Conclusions of Law in their entirety.

III. CONCLUSION

For the reasons explained herein, Defendant's Objections to the Report and Recommendation on the Defendant's Motion to Suppress (Court Doc. 26) are hereby **OVERRULED**. The Court **ACCEPTS AND ADOPTS** in its entirety Magistrate Judge

Shirley's Report and Recommendation (Court Doc. 23). Defendant's Motion to Suppress and Memorandum in Support (Court Doc. 13) is hereby **DENIED**.

SO ORDERED this 18th day of June, 2014.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE